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BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

JAMES N. LOFTUS
668 South 600 East
Payson, UT 84651
License No. 145668

**STIPULATION
&
ORDER**

Docket No. 2005-119 PC

Enf. Case No. 1663

STIPULATION

1. Respondent, James N. Loftus, is a licensed title insurance agent in the State of Utah, holding License No. 145668.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent neither admits nor denies the Findings of Fact and Conclusions made therefrom;

c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.


3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 15th day of September, 2005.


JAMES N. LOFTUS


UTAH INSURANCE DEPARTMENT
M. Gale Lamm, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On or about June 17, 2005, Respondent, in connection with a real estate closing involving the issuance of title insurance, forged two signatures on a Quit Claim Deed, notarized those signatures and sent the deed to the Utah County Recorder's Office to be recorded.
2. The department investigator, in attempting to contact the Respondent in regard to the investigation of these matters in June 2005, discovered that Respondent had failed to advise the department in writing of a change in his address within 30 days of said change.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In forging signatures on a Quit Claim Deed, Respondent violated Utah Code Annotated § 31A-23a-403(1)(a)(i), and (1)(a)(ii)(B)(II).
2. In making a false notarization, Respondent violated Utah Code Annotated § 31A-23a-406(7)(b).
3. In failing to notify the department within 30 days of a change in address, Respondent violated 31A-23a-412(1)(c).
4. Respondent's actions demonstrate that he lacks the character requirements, under Utah Code Annotated § 31A-23a-107(2), to hold an insurance agent's license.

5. Respondent's insurance license should be revoked pursuant to Utah Code Annotated § 31A-23a-111(4)(b)(i), unqualified for a license; (4)(b)(ii)(A), has violated an insurance statute; (4)(b)(xvi)(B), in the conduct of business had demonstrated untrustworthiness; (4)(b)(xviii)(B), has forged another's name to any document related to an insurance transaction; and (4)(b)(xxiv), engaged in methods and practices in the conduct of business that endanger the legitimate interests of customers and the public.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent's title insurance agent's license is revoked forthwith.
2. Respondent shall immediately cease doing any business in the State of Utah for which an insurance license is required.

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject him to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require

that you report this action to them.

DATED this 15th day of September, 2005.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CONCURRENCE BY THE TITLE AND ESCROW COMMISSION

The Title and Escrow Commission hereby concurs with the penalty imposed herein.

DATED this _____ day of _____, 2005.

See Attached

JOYCE W. CLARK, Chair
Utah Title and Escrow Commission

CONCURRENCE BY THE TITLE AND ESCROW COMMISSION

The Title and Escrow Commission, by unanimous vote of those in attendance, concurred with the penalty imposed herein in their regular meeting held October 12, 2005.

DATED this 14th day of October, 2005.



Jilene Whitby, Secretary
Utah Title and Escrow Commission

CERTIFICATE OF MAILING

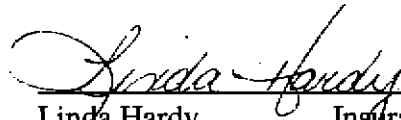
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**STIPULATION
&
ORDER**

To the following:

**James N. Loftus
668 South 600 East
Payson, UT 145668**

DATED this 19th day of October, 2005



Linda Hardy Insurance Technician
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
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